

REQUEST FOR STATEMENT OF QUALIFICATIONS

The San Francisco Estuary Partnership (SFEP), a program of The Association of Bay Area Governments (ABAG), a joint powers agency, formed under California Government Code Sections 6500, et seq., invites qualified applicants to respond to this Request for Qualifications (RFQ) to provide design engineering and landscape architectural services for green Low Impact Design (LID) stormwater retrofits in seven East Bay cities along San Pablo Avenue (State Route 123).

I. BACKGROUND

The purpose of this RFQ is to retain one highly qualified individual, firm or team to design green stormwater retrofit facilities (Facility or Facilities) for seven cities along San Pablo Avenue as part of the Green Stormwater Spine program (Program). The cities of San Pablo, Richmond, El Cerrito, Albany, Berkeley, Emeryville, and Oakland will participate. Design services will be funded by a grant from the U.S. EPA. Facilities construction will be funded by the California Department of Transportation (Caltrans) and a grant from the Department of Water Resources Integrated Regional Water Management program. Additional funds may be available from another grant.

Each Facility will be located at a site selected by the cities participating in the Program (a map of preliminary sites and initial city concepts are included in Exhibit C). All facility designs will use LID techniques to treat urban runoff, with emphasis on the use of vegetation and soils to slow runoff and filter pollutants before discharge to local waterways and/or San Francisco Bay. Common pollutants to be addressed include metals, such as copper from brake pads; polychlorinated biphenyls (PCBs); polycyclic aromatic hydrocarbons (PAHs); and oils and greases. Each Facility will typically treat runoff from one acre or more of impervious surface from San Pablo Avenue and surrounding areas. Collectively, the Facilities will treat urban runoff from a minimum of seven acres of impervious surface. Additional benefits of this LID approach include improving air quality through the planting of trees and shrubs; helping ameliorate urban heat island effects; and improving street aesthetics and quality of life for urban residents.

One design entity is needed to design all of the LID retrofit facilities and to coordinate with staff from the SFEP, participating city public works departments, and Caltrans. Facility designs are expected to differ from each other based on the site conditions, local requirements, and local preferences. Designs may later be used as a “tool kit” for cities to use to implement future LID projects.

The SFEP seeks responses from designers with at least five years of specialized experience designing vegetated LID retrofit projects at high-traffic locations in urban settings. Designers must be familiar with Provision C.3 of the Municipal Regional Stormwater NPDES Permit, including Green Street Pilot Project requirements. Designers must include a landscape architect familiar with San Francisco Bay Area native plants. Low maintenance, sustainable landscaping is desired for all facilities, which will be evaluated using the “Bay Friendly Landscape Scorecard” developed by StopWaste.org.

II. SERVICES REQUIRED

The services required for this Project are identified in Exhibit A, Scope of Services, to this RFQ. Exhibit B of this RFQ, Agreement Conditions, also contains substantive requirements with which applicants should comply to ensure responsiveness with this RFQ.

III. TIME FRAME

Services are anticipated to begin with negotiation of a contract following the advertising period or about 30 days from the submittal of qualifications deadline. The estimated time frame for design services is from June 2012 to December 2013. Facilities design services are anticipated to take six months with final design documents for each site expected by December 2012. The design firm will also provide services during the project construction phase, anticipated to take an additional six months beginning in the spring of 2013.

IV. COMPENSATION

Up to \$215,000 is available for the design phase of services. An additional amount of \$40,000 is budgeted for services during construction. Consultant must be a bona-fide independent consultant. Consultant is responsible for payment of applicable state and federal taxes. All payments will be in arrears. There will be a 10% withhold on all invoices with the retained payment released at the end of the design phase and construction phase respectively. Payment for services is contingent upon receipt of funds from the granting agency by SFEP.

V. RFQ EVALUATION AND SELECTION CRITERIA

Every Statement of Qualifications (SOQ) will be evaluated according to the criteria below. Numerical scores will be tabulated for each offer.

1) Relevant Qualifications and Experience (45 points) - The Consultant will be evaluated based on level of green low impact development design experience, background in performance of similar retrofit projects, and creativity of completed project designs. Consultant team must include California registered engineer to sign completed design plans and specifications. Landscape architect must have experience with these types of projects, have experience with San Francisco Bay Area native plants, and be California registered to sign planting plans. Experience must demonstrate ability to coordinate many project partners with adherence to project schedules, deadlines and budgets.

2) Education and Professional Background (20 points) - The Consultant team will be evaluated based on professional qualifications and education, credentials, and professional associations sufficient to demonstrate a high level of relevant expertise. Resumes of key staff should be included. Staff availability for work on this project should be described. Awards for creative similar projects should be listed.

3) Statement of Project Approach (35 points) - The Consultant will be evaluated based on the adequacy of the material submitted in response to the services required as described in the Scope of Services, Exhibit A. Consultant must demonstrate understanding of the project and tasks to be performed, project approach and schedule. Note: no CEQA, NEPA, or other regulatory environmental reviews or permit acquisition activities are anticipated from the

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Design Consultant.

Statements must respond to all the requirements of this request, and must include all information specifically required in all sections of this request. Results of reference checks will determine if consultant qualifies for award.

ABAG/SFEP will conduct a Pre-SOQ Submittal Meeting to provide an overview of the project and SOQ requirements and address any questions that consultants may have. **This pre-submittal conference is mandatory for all prime consultants and will be held from 2:00 to 3:00 PM on Tuesday, April 3, 2012 in the City Council Chambers of El Cerrito City Hall, at 10890 San Pablo Avenue, El Cerrito, CA 94530.** Site walks are not necessary at this stage, but will be required for contract negotiation upon consultant selection.

ABAG/SFEP intends to screen each received Statement of Qualifications in accordance with the criteria itemized above. A Selection Committee will evaluate and rank the Proposals. The two highest scoring firms will be selected for an interview at SFEP offices, 1515 Clay Street, Suite 1400, Oakland, CA, at their own expense. Through the interview, the Selection Committee will evaluate and rank those selected firms according to pre-determined criteria outlined in this RFQ.

ABAG/SFEP will negotiate with the highest ranked firm. If ABAG/SFEP is unable to negotiate a satisfactory agreement with the top-ranked firm, ABAG intends to negotiate with the other firms according to their ranking until it has reached a satisfactory contractual agreement with the firm.

ABAG reserves the right to award a contract or to reject all Proposals.

VII. SUBMISSION SCHEDULE

Interested firms must **submit one original and three hard copies of their SOQ** to the San Francisco Estuary Partnership **by April 27, 2012, 5:00 p.m.** Proposals received after that date and time will not be given consideration.

VIII. CONTRACT AWARD

Contract award shall be made to the responsive Consultant on the basis of the evaluation criteria listed above and whose statement is most advantageous to ABAG. Our objective is to obtain the highest qualified Consultant to achieve the objectives within a realistic time frame and reasonable cost. Qualifications and experience as a whole are more important than cost.

This request does not commit ABAG to award a contract. We reserve the right to reject any or all SOQs received in response to this request. Award of contract may not be made to any designer unless an agreement can be secured for all general and special contract provisions. Award will not be made to a designer whose proposed period of performance is not within a period of time acceptable to ABAG. Applicants are informed that the award of any contract as the result of this solicitation is contingent upon the availability of funds.

IX. WHAT TO SUBMIT

To provide an objective, fair review of candidate submittals, statements are to include only the following information:

- 1) Transmittal Letter - Normal transmittal letter, covering highlights and unique features of your statement. Any special terms and conditions of the offer should also be summarized here. Please indicate if your firm is, or your team includes, a disadvantaged business enterprise such as a certified Minority-owned Business Enterprise or a Woman-owned Business Enterprise. Letter should include the name and telephone number of a contact person and your office address.
- 2) Statement of Qualifications and Project Approach - Provide a definitive statement to respond to the requirements as stated in this request. This must describe in detail the procedures and methods that will be used to provide the services requested, preferably drawing on past experience/work conducted by the applicant. Proponent should describe experience working with local governments and public works departments.
- 3) Educational and Professional Background - Provide a summary of project staff's educational background, including degrees. Also include special professional and/or project experience. Resumes should be included.
- 4) List of Client References - Provide a list of clients to be used as references for your work, including contact name, address, telephone number, nature of job, length of engagement, amount (e.g. 1 year, \$ _____).
Length: **One (1) page maximum.**
- 5) Budget - Identify all costs and expenses for which you would seek reimbursement in connection with the work. Eligible expenditures include staff time, over-head, and project related out-of pocket expenses such as travel and printing. Provide standard hourly billing rates for all personnel that may bill to the project.
Length: **One (1) page maximum.**
- 6) Examples of Work- Provide list of new development and retrofit LID projects firm has designed. Provide list of awards and honors received for LID projects.
- 7) MBE/WBE Status - If any member of the proposed design team is a certified Minority Business Enterprise (MBE) and/or a Women Owned Enterprise (WBE), please submit a statement to that effect identifying the certifying agency.

One original and three hard copies of the submittal package should be delivered by 5:00 P.M. on April 27, 2012 to:

Joshua Bradt, Project Manager
San Francisco Estuary Partnership
1515 Clay Street, Suite 1400
Oakland, CA 94612

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Questions may be directed to Joshua Bradt, Project Manager via email at jbradt@waterboards.ca.gov.

Questions and answers regarding the RFQ will be posted on the ABAG website: <http://www.abag.ca.gov/bayarea/commerce/ace/ace.html> and emailed to members on the contact list by 5:00 p.m. April 16, 2012. To be included in the contact list for this RFQ, email your request to Joshua Bradt, Project Manager at jbradt@waterboards.ca.gov.

EXHIBIT A: SCOPE OF SERVICES

Planning efforts to date

Each city has preliminarily (1) chosen an appropriate site or sites for their green stormwater spine project, (2) identified underground drainage infrastructure, (3) estimated drainage area of impervious surface, and (4) considered pedestrian, auto, and storefront/private property owner issues. See Exhibit C for site locations map and preliminary concepts.

Site locations were analyzed and prioritized based on:

- Proximity to local creeks or areas with pollutants of concern (i.e., old industrial areas, auto repair shops, etc.)
- Proximity to other low impact development (LID) projects
- Public visibility

SFEP Project Management/Coordination

SFEP will be responsible for coordinating the services of the Consultant and will assist with coordination with the governing City or Agency (Caltrans) for review and approval of design documents. SFEP will complete documentation required for environmental review of the proposed retrofit projects under the California Environmental Quality Act (CEQA). SFEP will assist with obtaining required city permits (encroachment).

Consultant Project Management Services

The Consultant will coordinate closely with the SFEP Project Manager to ensure progress of the design services and to resolve any issues and/or problems. The Consultant will coordinate with appropriate City or Agency staff as necessary and inform SFEP of any issues or problems. The Consultant will provide a written monthly project status report detailing work performed during the month and work anticipated for the next month broken down by contract tasks. This will be submitted with monthly invoices that document consultant staff hours and hourly rates for each month and total costs against the contract budget.

Surveys and Preliminary Design

Because these projects will retrofit built-out areas, underground utilities will need to be avoided or relocated in each case. Consultant will obtain physical site information including formal site surveys, existing storm drain infrastructure characteristics, and underground utility locations as available from the seven cities and/or Caltrans. Consultant will obtain additional information from utility agencies and conduct surveys as needed. Consultant will perform appropriate hydrologic studies and hydraulic calculations to ensure proper sizing of Facilities. Consultant will develop a creative, innovative preliminary Facility design plan for each site. Consultant will obtain approval from SFEP and the appropriate City/Agency staff prior to proceeding to the next design phase.

Preparation of Plans and Specifications

Following approval of the preliminary designs, Consultant shall prepare, in both paper and electronic format, engineering design plans and specifications for the treatment sites to be submitted for approval of SFEP and City/Agency staffs at the 30, 60, and 90 percent design

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completion levels. Plans should be plotted in accordance with standard practice and coordinated with engineering staff at each city to ensure the plans meet local standards and requirements. Specifications should be prepared following the Caltrans Specification Standard format (version 2006 or later). Design package will include preparation of site-specific planting plans using California native plants most appropriate to the design to provide the most effective stormwater treatment, site cover, and aesthetic appeal. Consultant will coordinate with SFEP, City and Agency staff for approval of planting plans. (Note: Post-construction irrigation of the Facilities will occur by water-truck for two years for initial establishment. Thus no irrigation plans are needed.) Consultant will prepare bid-ready Final design plans, specifications, and construction cost estimates that incorporate previous review comments from City, Agency and SFEP staff. Final planting plans to be signed and stamped by a California registered landscape architect. Final plans and specifications to be signed and stamped by a California registered Civil Engineer.

Bid Period Services and Services During Construction

Design services in support of preparation of Invitations for Bids, review of bids, construction of Facilities and post construction close out of Facilities will be funded from a grant that has been awarded but not yet under contract. Therefore, these services will be subject to an option to be exercised by ABAG/SFEP upon availability of funding and in accordance with contract terms.

Contract terms are anticipated to include Consultant availability to respond to questions concerning the plans and specifications and estimates during the bid period, prior to bid opening. The Consultant will prepare answers to bidder's questions for distribution on a weekly basis during the bid period. The Consultant will assist with construction bid review, including contractor's qualifications, and will make a recommendation for award of the construction contracts.

The Consultant will provide design support services during construction to assure that construction proceeds in accordance with design documents including technical/engineering support, review of shop drawings provided by the construction contractor, preparation of responses to Requests for Information, change orders, site visits to assess compliance with design documents, and preparation of record drawings. ABAG/SFEP will retain a Construction Manager who will coordinate access to design services provided in support of construction of Facilities and post construction close out of Facilities

EXHIBIT B: AGREEMENT CONDITIONS

- 1. Single Audit Act.** In accordance with OMB Circular A-133, Subrecipient hereby agrees to obtain a single audit from an independent auditor if it expends \$500,000 or more in total Federal funds in any fiscal year. Within nine (9) months after the end of ABAG's fiscal year or thirty (30) days after receiving the report from the auditor, Subrecipient shall submit a copy of the SF-SAC and a Single Audit Report Package. For fiscal periods 2008 and beyond Subrecipient MUST submit a copy to the SF-SAC and a Single Audit Report Package, using the Federal Audit Clearinghouse's Internet Data Entry System. To complete the information on how to accomplish the 2008 and beyond Single Audit Submissions you will need to visit the Federal Audit Clearinghouse Web site: <http://harvester.census.gov/fac/>
- 2. Universal Identifier Requirements.** Subrecipient must provide its DUNS number to ABAG.
- 3. Reporting of Total Compensation of Subrecipient Executives**
 - a. Applicability and what to report. Unless you are exempt as provided in paragraph c. of this section, each first tier subrecipient under this award, shall report the names and total compensation of each of the subrecipient's five most highly compensated executives for the subrecipient's preceding completed fiscal year, if –
 - i. In the subrecipient's preceding fiscal year, the subrecipient received –
 - (A) 80 percent or more of its annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act as defined in 2 CFR 170.320 (and subawards); and
 - (B) \$25,000,000 or more in annual gross revenues from Federal procurement contracts (and subcontracts) and Federal financial assistance subject to the Transparency Act (and subawards); and
 - ii. The public does not have access to information about the compensation of the executives through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. (To determine if the public has access to the compensation information, see the U.S. Security and Exchange Commission total compensation filings at <http://www.sec.gov/answers/execomp.htm>.)
 - b. When and where to report. You must report subrecipient executive total compensation described in paragraph a above:
 - i. To the recipient (ABAG)
 - ii. By the end of the month following the month during which you receive the subaward. For example, if a subaward is obligated on any date during the month of October of a given year (i.e. between October 1 and 31), you must report any required compensation information of the subrecipient by November 30 of that year.

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- c. **Exemptions.** If, in the previous tax year, you had gross income from all sources, under \$300,000, you are exempt from the requirements to report the total compensation of the five most highly compensated executives of any subrecipient.
- d. **Definitions.** For purposes of this award:
1. **Entity** means all of the following, as defined in 2 CFR part 25:
 - i. A Government organization, which is a State, local government, or Indian tribe;
 - ii. A foreign public entity;
 - iii. A domestic or foreign nonprofit organization;
 - iv. A domestic or foreign for-profit organization;
 - v. A Federal agency, but only as a subrecipient under an award or subaward to a non-Federal entity.
 2. **Executive** means officers, managing partners or any other employees in management positions.
 3. **Subaward:**
 - i. This term means a legal instrument to provide support for the performance of any portion of the substantive project or program for which you received this award and that you as the recipient award to an eligible subrecipient.
 - ii. The term does not include your procurement of property and services needed to carry out the project or program.
 - iii. A subaward may be provided through any legal agreement, including an agreement that you or a subrecipient considers a contract.
 4. **Subrecipient** means an entity that:
 - i. Receives a subaward from the Recipient (ABAG) under this grant award; and
 - ii. Is accountable to you for the use of Federal funds provided by the subaward.
 5. **Total compensation** means the cash and noncash dollar value earned by executives during the recipient's or subrecipient's preceding fiscal year and includes the following (for more information see 17 CFR 229.402(c)(2)):
 - i. *Salary and bonus*
 - ii. *Awards of stock, stock options, and stock appreciation rights.* Use the dollar amount recognized for financial statement reporting purposes with respect to the fiscal year in accordance with the Statement of Financial Accounting Standards No. 123 (Revised 2004) (FAS 123R), Shared Based Payments.
 - iii. *Earnings for services under non-equity incentive plans.* This does not include group life, health, hospitalization or medical reimbursement plans that do not discriminate in favor of executives, and are available generally to all salaried employees.
 - iv. *Change in pension value.* This is the change in the present value of a defined benefit and actuarial pension plans.
 - v. *Above-market earnings on deferred compensation which is not tax-qualified.*
 - vi. Other compensation, if the aggregate value of all such other compensation (e.g. severance, termination payments, value of life insurance paid on behalf of the employee, perquisites or property) for the executive exceeds \$10,000.

4. Trafficking in Persons

a. Provisions applicable to a Subrecipient that is a private entity.

1. Subrecipients and subrecipients' employees may not –
 - i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
 - ii. Procure a commercial sex act during the period of time that the award is in effect; or
 - iii. Use forced labor in the performance of the award or subawards under the award.
2. The awarding Federal agency (US EPA) may unilaterally terminate the grant award, without penalty, if a subrecipient that is a private entity –
 - i. Is determined to have violated a prohibition in paragraph a.1. of this award term; or
 - ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either –
 - A. Associated with performance under this award; or
 - B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government Debarment and Suspension (Nonprocurement)," as implemented by the Agency at 2 CFR 1532.

b. Provision applicable to a Subrecipient other than a private entity.

The awarding Federal agency (US EPA) may unilaterally terminate the grant award, without penalty, if a subrecipient that is a private entity –

1. Is determined to have violated a prohibition in paragraph a.1. of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either –
 - i. Associated with performance under this award; or
 - ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Government Debarment and Suspension (Nonprocurement)," as implemented by the Agency at 2 CFR 1532.

c. Provisions applicable to any Subrecipient.

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term.
2. The agency's right to terminate unilaterally that is described in paragraph a.2 or b of this section:
 - i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
 - ii. Is in addition to all other remedies for noncompliance that are available to the agency under this award.

3. The requirements of paragraph a.1 of this award must be included in any subaward to a private entity.
- d. *Definitions.* For purposes of this award term:
 1. “Employee” means either:
 - i. An individual employed by a subrecipient who is engaged in the performance of the project or program under this award; or
 - ii. Another person engaged in the performance of the project or program under this award and not compensated by you, including but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
 2. “Force labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
 3. “Private entity”:
 - i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
 - ii. Includes:
 - A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
 - B. A for-profit organization,
 4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).

5. Recycled Paper

In accordance with Executive Order 13423 (Strengthening Federal Environmental, Energy and Transportation Management dated January 24, 2007), EPA Order 1000.25 and 40 CFR Part 30.16 (as applicable) the subrecipient shall use recycled paper and double-sided printing for all reports which are prepared as a part of this agreement and delivered to ABAG. This requirement does not apply to reports prepared on forms supplied by EPA or ABAG, or to Standard Forms, which are printed on recycled paper and are available through the General Services Administration. The subrecipient shall give preference be given in its procurement programs funded with Federal funds to the purchase of recycled products pursuant to EPA’s guidelines, as applicable.

6. Conference, Meeting, Convention or Training Space.

The subrecipient agrees to ensure that all conference, meeting, convention, or training space funded in whole or in part with Federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (PL 101-391, as amended). Subrecipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel> to see if a property is in compliance (FEMA ID is currently not required), or to find other information about the Act. (Refer to 40 CFR Part 30.18 and 15 U.S.C. 2225a, as applicable).

7. Drug Free Workplace.

Subrecipients under this EPA assistance agreement must make an ongoing, good faith effort to maintain a drug-free workplace pursuant to the specific requirements set forth in Title 40 CFR 36.200-36.230. Additionally, in accordance with these regulations, the organization must identify all known workplaces under its federal awards, and keep this information on file during the performance of the award. Those subrecipients who are individuals must comply with the drug-free provisions set forth in Title 40 CFR 36.300.

The consequences for violating this condition are detailed under 40CFR 36.510. The Code of Federal Regulations (CFR) Title 40 Part 36 can be accessed at <http://www.access.gpo.gov/nara/cfr/waisidx/06/40cfr36.06.html>

8. Debarment and Suspension and Other Responsibility Matters

Subrecipients shall fully comply with Subpart C of 2 CFR 180 and 2 CFR Part 1532, entitled “Responsibilities of Participants Regarding Transactions (Doing Business with Other Persons).” Subrecipients are responsible for ensuring that any lower tier covered transaction as described in Subpart B of 2 CFR Part 180 and 2 CFR part 1532, entitled “Covered Transactions” includes a term or condition requiring compliance with Subpart C. The subrecipient is responsible for further requiring the inclusion of a similar term or condition in any subsequent lower tier covered transactions. The subrecipient acknowledges that failing to disclose the information as required at 2 CFR 180.335 may result in the delay or negation of this agreement, or pursuance of legal remedies, including suspension and debarment.

The Excluded Parties List System may be accessed at www.epls.gov. This term and condition supersedes EPA Form 5700-49, “Certification Regarding Debarment, Suspension, and Other Responsibility Matters.”

9. Management Fees.

Management fees or similar charges in excess of the direct costs and approved indirect cost rates are not allowable. The term “management fees or similar charges” refers to expenses added to the direct costs in order to accumulate and reserve funds for ongoing business expenses, unforeseen liabilities, or for other similar costs which are not allowable under this agreement. Management fees or similar charges may not be used to improve or expand the project funded under this agreement, except to the extent authorized as a direct cost of carrying out the scope of work.

10. Lobbying and Litigation.

Subrecipient shall ensure that no grant funds awarded under this agreement are used to engage in lobbying of the Federal Government or in litigation against the United States unless authorized under existing law. The subrecipient shall abide by 2 CFR 220, 225, or 230 (formerly OMB Circular A-21, A-87, or A-122), which prohibits the use of federal grant funds for litigation against the United States or lobbying or other political activities.

The subrecipient agrees to comply with Title 40 CFR part 34, *New Restrictions on Lobbying*. The subrecipient shall include the language of this provision in award documents for all subawards

exceeding \$100,000. Subrecipients must submit certification forms and disclosure forms, In accordance with the Byrd Anti-Lobbying Amendment, any subrecipient who makes a prohibited expenditure under Title 40 CFR Part 34 or fails to file the required certification or lobbying forms shall be subject to a civil penalty of no less than \$10,000 and not more than \$100,000 for each such expenditure.

11. Utilization of Disadvantaged Business Enterprises

Subrecipient agrees to comply with the requirements of EPA's Program for Utilization of Small, Minority and Women's Business Enterprise in procurement under this contract as set forth in 40 CFR Part 33. The EPA DBE rule can be accessed at <http://www.epa.gov/osbp>. In addition, subrecipient agrees to make good faith efforts whenever procuring construction, equipment, services and supplies under this contract, and to ensure that sub-recipients, loan recipients, and prime subcontractors also comply with 40 CFR Section 33.301 (six good faith efforts). Records documenting compliance with the six good faith efforts shall be retained.

The following are the six good faith efforts whenever procuring construction, equipment, services and supplies under this contract:

- a) Ensure DBEs are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government contractors, this will include placing DBEs on solicitation lists and soliciting them whenever they are potential sources.
- b) Make information on forthcoming opportunities available to DBEs and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by DBEs in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- c) Consider in the contracting process whether firms competing for large contracts could subcontract with DBEs. For Indian Tribal, State and local Government contractors, this will include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by DBEs in the competitive process.
- d) Encourage contracting with a consortium of DBEs when a contract is too large for one of these firms to handle individually.
- e) Use the services and assistance of the Small Business Administration (SBA) and the Minority Business Development Agency of the Department of Commerce.
- f) If Contra Costa County awards subcontracts, Contra Costa County shall be required to take the steps in paragraphs (a) through (e) of this section.

12. MBE/WBE Utilization Report

Subrecipient agrees to complete and submit to the ABAG Contract Manager, a MBE/WBE Utilization Report (EPA Form 5700-52A) **within 20 days** after the end of the Federal fiscal year; i.e. by October 20 of each calendar year. Negative reports are required. Only procurements with certified MBE/WBEs are counted towards satisfying the MBE/WBE accomplishments. EPA Form 5700-52A may be obtained from the EPA Office of Small Business Program's Home page at www.epa.gov/osbp.

13. ACORN Funding Prohibition

Congress has prohibited EPA from using its FY 2011 appropriations to provide funds to the Association of Community Organizations for Reform Now (ACORN) or any of its subsidiaries. None of the funds provided under this agreement may be used for subawards/subgrants or contracts to ACORN or its subsidiaries. Subrecipients should direct any questions about this prohibition to the ABAG contract manager.

14. Payment to Consultants

Per 40 CFR Part 31.36(j), EPA's participation in the salary rate (excluding overhead and travel) paid to subrecipients who are individual consultants retained under this agreement, or to subrecipient's subcontractors who are individual consultants, shall be limited to the maximum daily rate for a Level IV of the Executive Schedule, to adjusted annually. The Federal Executive Schedule (i.e., Salary Table) is located at <http://www.opm.gov/oca/>. This rate does not include overhead or travel costs and these may be paid in accordance with normal travel practices.

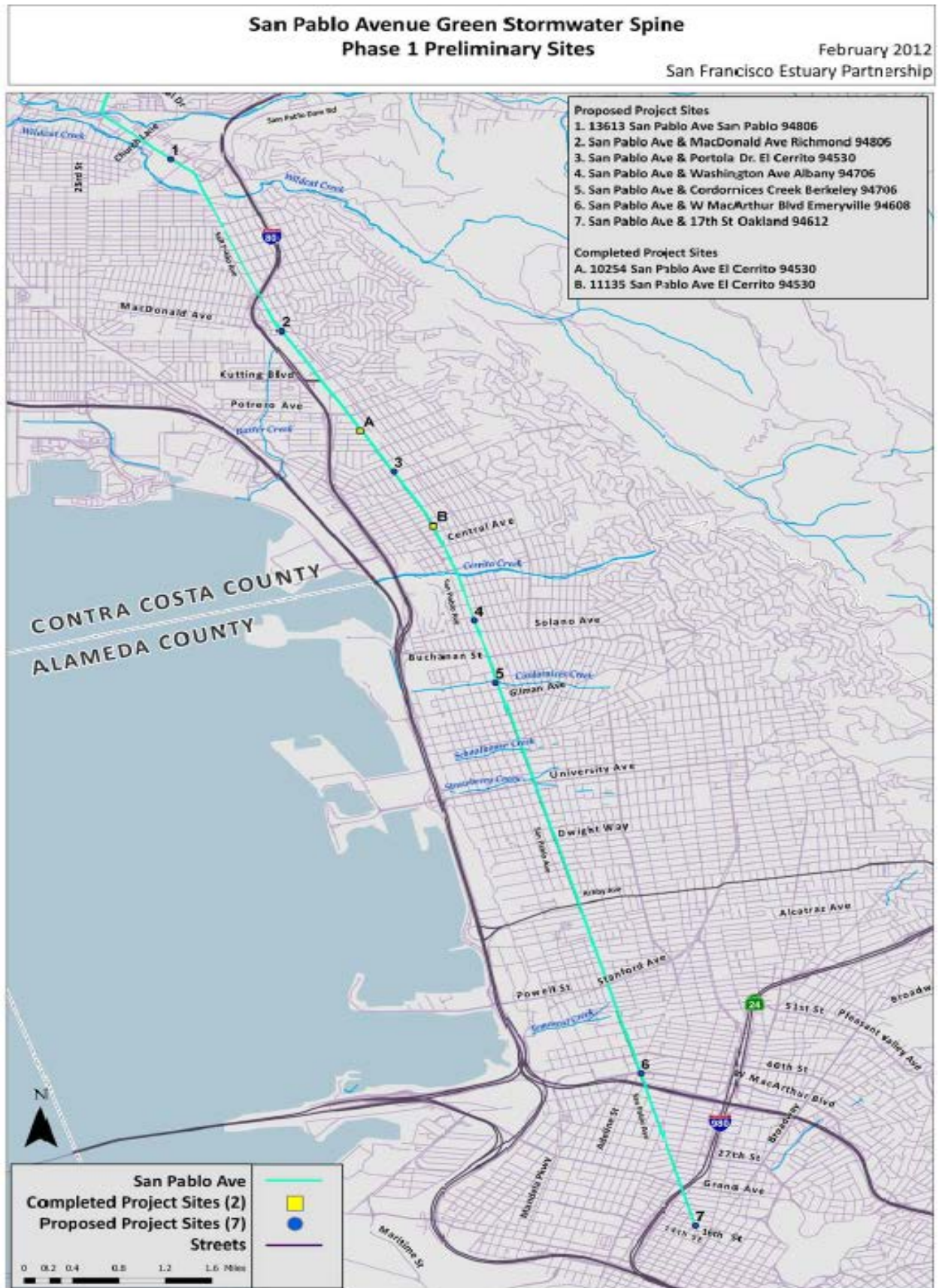
Subagreements with firms or individuals for services which are awarded using the procurement requirements of 40 CFR Parts 31, are not affected by this limitation unless the terms of the contract provide ABAG with responsibility for the selection, direction and control of the individuals who will be providing services under the contract at an hourly or daily rate of compensation. See 40 CFR Part 31.36(j)(2).

15. Procurement

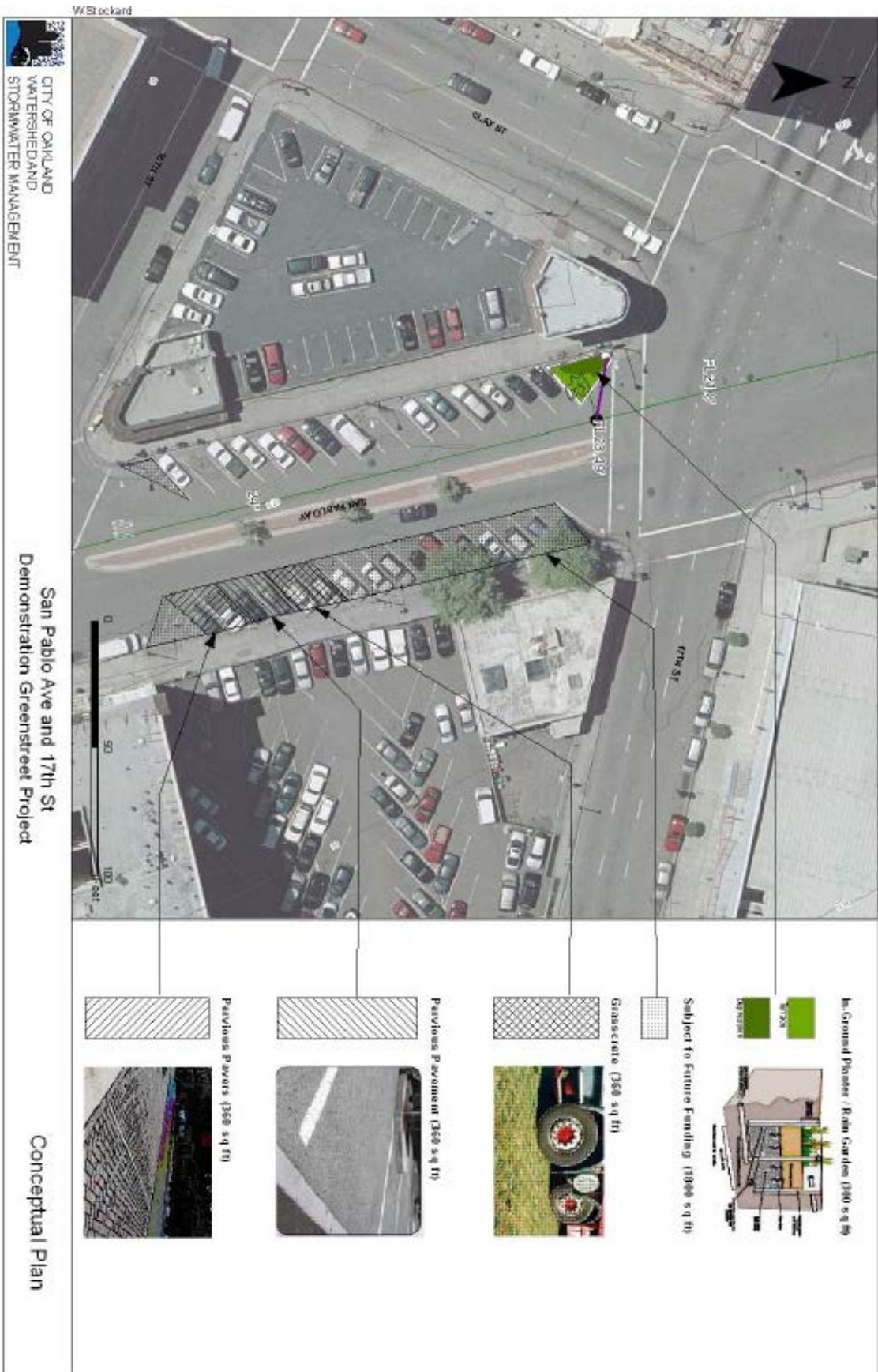
Subrecipient will ensure all procurement transactions will be conducted in a manner providing full and open competition consistent with EPA regulations under 40 CFR Part 30.43, 31.36, or 35.6555, as applicable. In accordance with 40 CFR Part 30.45, 31.36(f) or 35.6585, as applicable, subrecipient must perform a cost or price analysis in connection with every procurement action, including contract modifications.

**EXHIBIT C: SELECTED RETROFIT SITES MAP & PRELIMINARY
CONCEPTS**

REQUEST FOR QUALIFICATIONS – DESIGN/ENGINEERING SERVICES
San Pablo Avenue Green Stormwater Spine Project, SFEP, 2012



City of Oakland - Preliminary Concept Site



REQUEST FOR QUALIFICATIONS – DESIGN/ENGINEERING SERVICES
San Pablo Avenue Green Stormwater Spine Project, SFEP, 2012

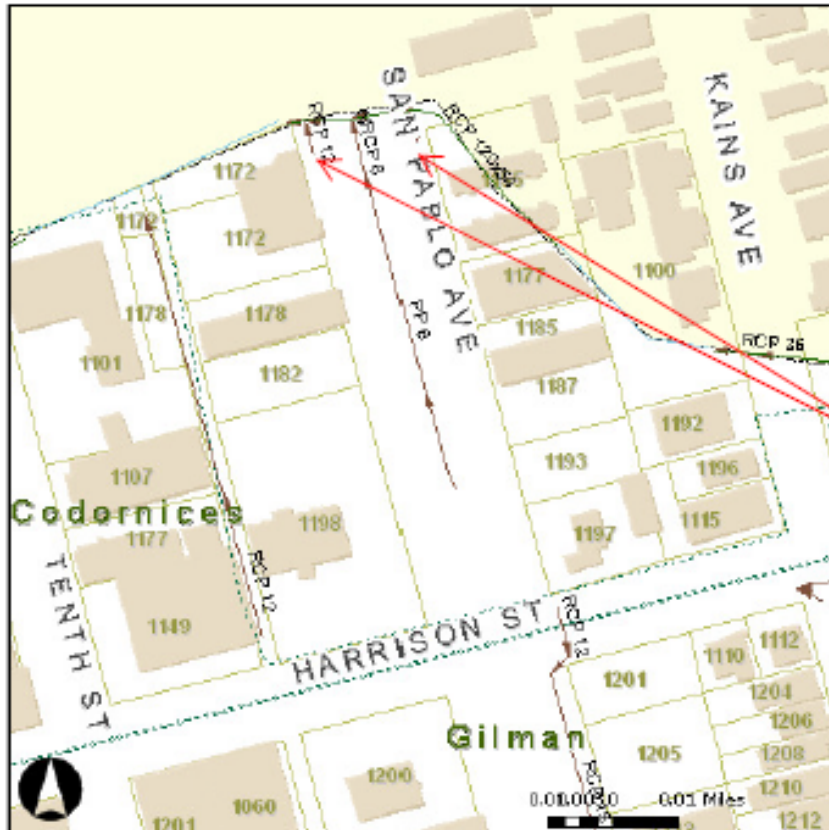


City of Berkeley - Preliminary Concept Site

Map

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Map



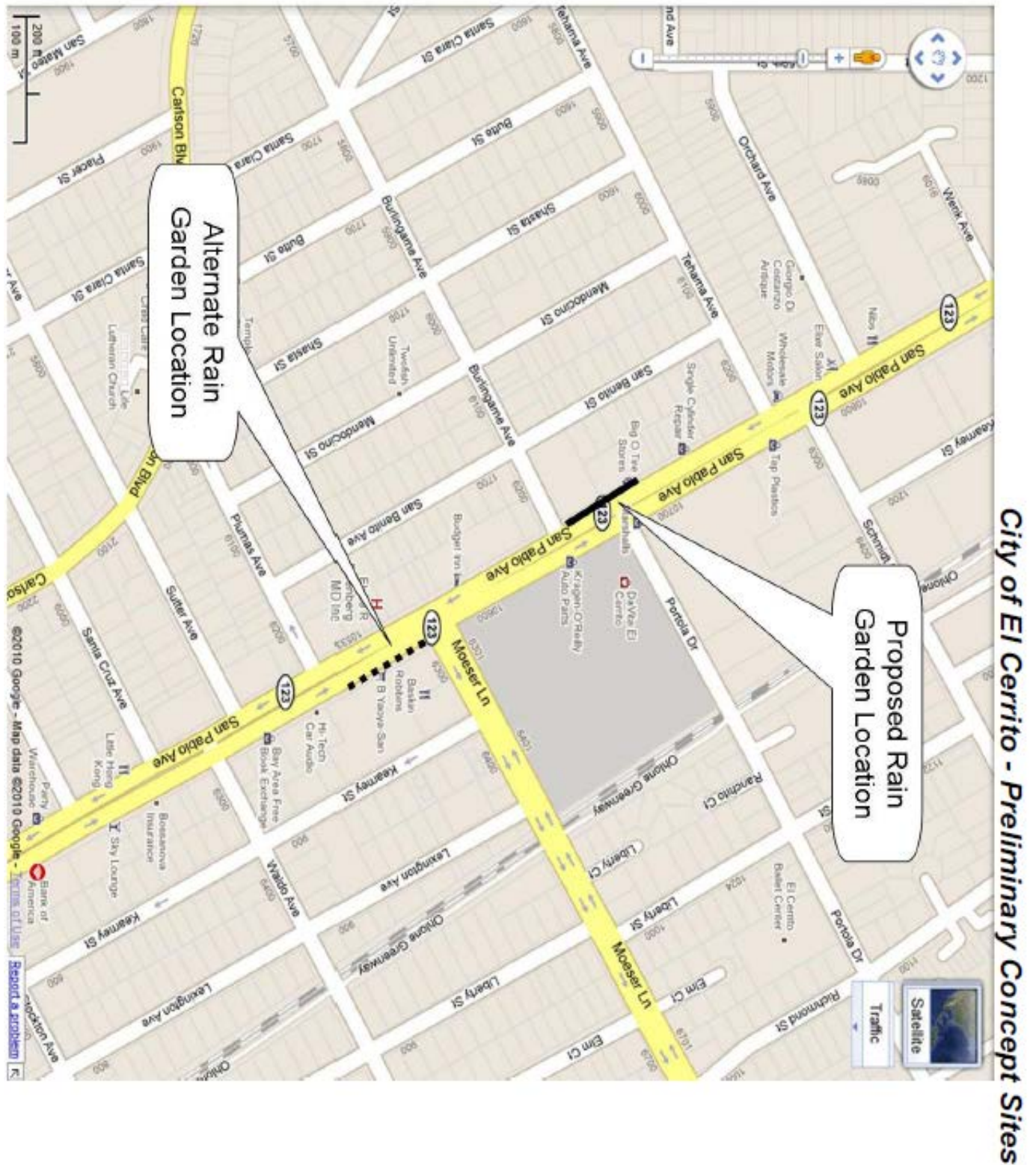
Bio-retention
Cells &
Permeable
Paving adjacent
to Creek
Corridor



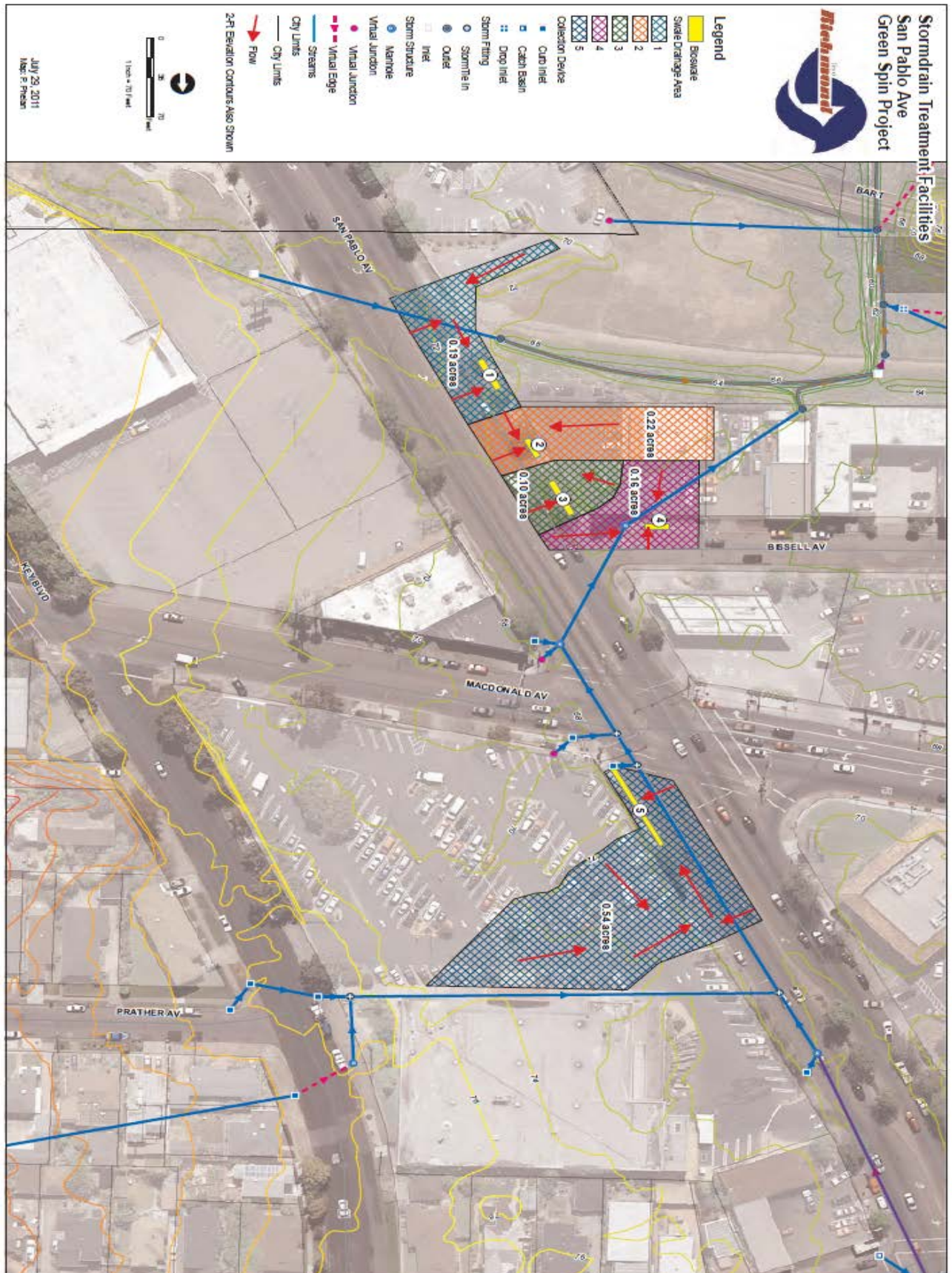
City of Albany - Preliminary Concept Site



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San Pablo Avenue Green Stormwater Spine Project, SFEP, 2012

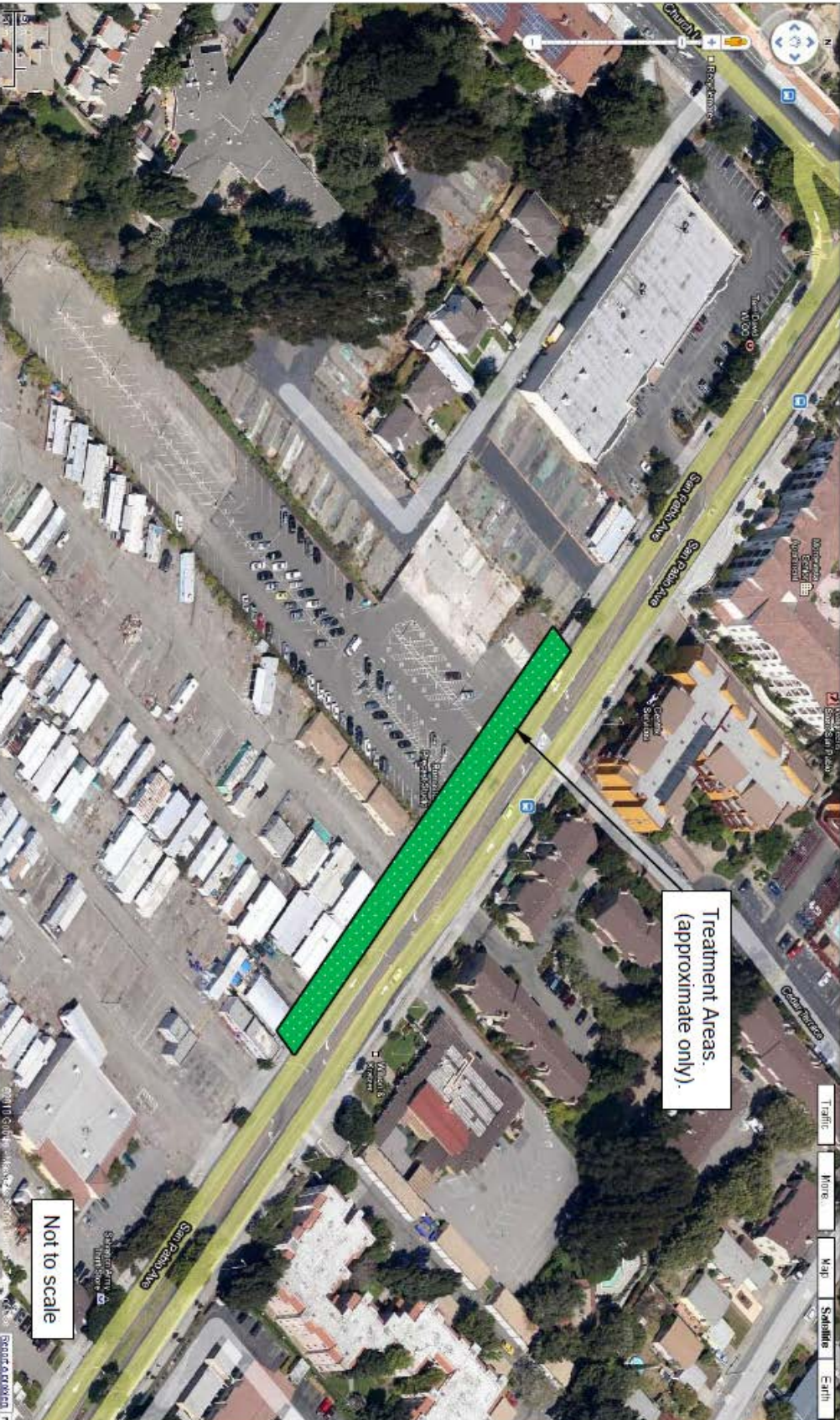


REQUEST FOR QUALIFICATIONS – DESIGN/ENGINEERING SERVICES
San Pablo Avenue Green Stormwater Spine Project, SFEP, 2012



City of San Pablo - Preliminary Concept Site

CIRCLE 5 SITE – 13613 SAN PABLO AVE.



Ortho photo above shows Green Stormwater Spine approximate treatment area adjacent to the Circle 5 site.